

ORDINANCE NO. 3698

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING ORDINANCE NO. 3117 WHICH GRANTED TO SOUTHERN
CALIFORNIA GAS COMPANY THE FRANCHISE TO LAY AND USE PIPES
AND APPURTENANCES FOR TRANSMITTING, DISTRIBUTING
AND MEASURING GAS FOR ANY AND ALL PURPOSES

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Section 3(c) of Huntington Beach Ordinance No. 3117 is hereby amended to read as follows:

(c) The "In Lieu Fee" shall be equal to one and five-tenths percent (1.5%) of the "imputed value" of "non-proprietary gas" conducted, conveyed, transported, supplied and distributed to the City and/or its inhabitants within the City per calendar year, or fractional calendar year, during the term of this franchise. As used herein,

"non-proprietary gas" means gas that is conducted, conveyed, transported, supplied and distributed, but not sold, to the City and/or its inhabitants within the City by Grantee;

"imputed value" means the product of the actual volumes of such non-proprietary gas conducted, conveyed, transported, supplied and distributed, but not sold, to the City and/or its inhabitants within the City by Grantee during the period of calculation multiplied by the adjusted core procurement serve rate most recently approved by resolution of the California Public Utilities Commission and as that resolution may be later amended, so long as that rate reasonably reflects the imputed value of non-proprietary gas;

"non-core gas" means that gas which, in accordance with rules and directives adopted from time to time by the Commission, is purchased by the Grantee to serve its non-core classified commercial, industrial, utility electrical generating and wholesale customers (including, but not limited to, the category of customers for which it also transports and delivers non-proprietary gas within the City), and currently includes short-term discretionary gas purchased by Grantee for such customers.

SECTION 2. Except as specifically modified herein, all other Sections and subsections of Ordinance No. 3117 shall remain in full force and effect.

Approved for Introduction 2/7/05

G-1c

SECTION 3. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2005.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

[Signature] 1-20-05
for City Attorney

SCS
1-20-05

REVIEWED AND APPROVED:

[Signature]
City Administrator

INITIATED AND APPROVED:

[Signature]
for Director of Administrative Services

G-1c.2

LEGISLATIVE DRAFT

(c) The "In Lieu Fee" shall be equal to one and five-tenths percent (1.5%) of the "imputed value" of "non-proprietary gas" conducted, conveyed, transported, supplied and distributed to the City and/or its inhabitants within the City per calendar year, or fractional calendar year, during the term of this franchise. As used herein,

"non-proprietary gas" means gas that is conducted, conveyed, transported, supplied and distributed, but not sold, to the City and/or its inhabitants within the City by Grantee;

"imputed value" means the product of the actual volumes of such non-proprietary gas conducted, conveyed, transported, supplied and distributed, but not sold, to the City and/or its inhabitants within the City by Grantee during the period of calculation times: ~~(1) until August 1, 1991, the average weighted cost of "non-core gas" for such period; (2) after August, 1991, the average weighted cost (WACOG) of gas under SoCalGas' procurement portfolio for all gas customers shall apply~~ **multiplied by the adjusted core procurement serve rate most recently approved by resolution of the California Public Utilities Commission and as that resolution may be later amended, so long as that rate reasonably reflects the imputed value of non-proprietary gas;**

"non-core gas" means that gas which, in accordance with rules and directives adopted from time to time by the Commission, is purchased by the Grantee to serve its non-core classified commercial, industrial, utility electrical generating and wholesale customers (including, but not limited to, the category of customers for which it also transports and delivers non-proprietary gas within the City), and currently includes short-term discretionary gas purchased by Grantee for such customers.

**INTENTIONALLY
LEFT
BLANK**